

REMARKS

Claims 129, 140 and 141 are pending. By this amendment, claims 129 and 140 are amended.

This amendment should be entered after final because the amendment to claim 129 merely adds a recitation that the predetermined reservation criteria are received from owners of the private aircraft, that is already recited in claim 140, so that the Examiner has already considered this recitation and no new search is required. The amendment to claim 140 is for format.

The pending claims have been rejected under 35 U.S.C. 103(a) based on U.S. Patent No. 6,711,548 to Rosenblatt. While the Applicant has filed papers and made arguments that Rosenblatt is not prior art to the application due to a date of invention prior to the filing date of Rosenblatt, Applicant will now demonstrate that Rosenblatt does not render obvious any of the claims, while reserving for the future the right to further establish the conception of the invention prior to the effective date of Rosenblatt coupled with the needed diligence from that date to the filing date of the application.

Claim 129 of the application recites "receiving from owners of the private aircraft availability information including predetermined reservation criteria for each of several unscheduled privately owned aircraft, said reservation criteria including a departure location, a departure time constraint, a minimum number of passengers, and a minimum total payment required to reserve the private aircraft". Claim 140 similarly recites "said reservation service to receive electronically from each airplane owner a flight availability, each of said flight availabilities including a departure location, a list of possible destination locations, a departure time constraint, and a minimum total payment, said minimum total payment expressed as a function of available seats and price per seat".

The Office Action asserts that these features are disclosed at col. 6, lines 7-17, lines 35-41, and col. 7, lines 40-47. These portions of Rosenblatt disclose that an air traveler wishing to schedule a flight accesses the air travel scheduling directory service 12, the air traveler specifies a departure sight, date, destination and the number of travelers. The directory service maintains a current and scheduled location of the aircraft and updates the listing with reservations. The last citation indicates that the independent charter services may have independent cost

structures and that the Rosenblatt network may assemble a database of existing charter service operators, per passenger or per flying hour, to be kept currently upgraded with availability data (out of service, current bookings, red-lines for maintenance, etc.).

However, Rosenblatt does not disclose or suggest that availability information is received from owners of the private aircraft, the availability information including predetermined reservation criteria for each of several unscheduled privately owned aircraft, said reservation criteria including a departure location, a departure time constraint, a minimum number of passengers, and a minimum total payment required to reserve the private aircraft as recited in claim 129 and similarly recited in claim 140. Thus, in the claimed invention, the owners of the private aircraft determine the availability information including departure location, a departure time constraint, a minimum number of passengers, and a minimum total payment required to reserve the private aircraft, and this information is received from the owners of the private aircraft.

In contrast, in Rosenblatt, the air traveler selects a departure site and date, a destination and a number of travelers. Further, Rosenblatt discloses that the directory service 12 assigns an aircraft for the selected flight based on the distance to be traveled and/or the number of passengers. See col. 6, lines 18-22. Thus, the claimed invention recites that the aircraft owners provide the reservation criteria including a departure location, a departure time constraint, a minimum number of passengers, and a minimum total payment required to reserve the private aircraft. This is fundamentally different from Rosenblatt which instead functions by the customer choosing the departure site and date, a destination and a number of travelers. Further, Rosenblatt has no disclosure of receiving from the aircraft owners a minimum total payment required to reserve the private aircraft as required by the claims. The reference to "independent cost structures" in Rosenblatt is not a disclosure of receiving from the aircraft owners a minimum total payment required to reserve the private aircraft.

As explained in the specification, the claimed invention addresses the problem of private aircraft being chartered for one way flights and having no passengers for a return to a home base. The claimed invention solves this problem by providing a reservation system and method allowing the private aircraft owners to match potential travelers with the return flight. Thus, the aircraft owners submit the availability information for the private aircraft including a departure location, a departure time constraint, a minimum number of passengers, and a minimum total

payment required to reserve the private aircraft. This is fundamentally different from Rosenblatt, where the air traveler selects a departure site and date, a destination and a number of travelers and the directory service 12 assigns an aircraft for the selected flight based on the distance to be traveled and/or the number of passengers. Rosenblatt states:

"Air travelers 14, by accessing the directory service 12, are able to specify precisely what they need in terms of destination and point of origin, and to have those needs met by any one of a wide range of small to mid-size aircraft flight providers." See col. 5, lines 45-49.

Further, Rosenblatt does not disclose or suggest posting via a computer network the availability information on an electronic medium, as recited in the claims. Rosenblatt does not disclose or suggest posting information received from an aircraft owner including a departure location, a departure time constraint, a minimum number of passengers, and a minimum total payment required to reserve the private aircraft.

Rosenblatt does not disclose or suggest receiving reservation bids from a plurality of independent passengers, each of the reservation bids including a specific destination request and a payment offer as required by the claims. The Office Action asserts that this is met in Rosenblatt by travelers accessing the directory service and specifying a departure site, destination, and number of passengers, and making payment. This Rosenblatt disclosure is not a reservation bid with a payment offer. A bid and an offer as claimed can later be accepted, Rosenblatt instead requires a payment to be made.

Rosenblatt does not disclose or suggest selecting a number of the received reservation bids, wherein the selected bids collectively match said reservation criteria for an identified private aircraft as required by the claims. The Office Action refers to col. 5, lines 55-57, which merely states that Rosenblatt offers custom itineraries through matching of aircraft resources with customer needs. Rosenblatt has no disclosure of selecting bids to collectively match reservation criteria for an identified private aircraft.

The Office Action admits that Rosenblatt does not disclose communicating received reservation bids from one or more independent passengers to owners of private aircraft. It is noted that this recitation is for bids to reserve a private aircraft. Rosenblatt does not have bids, and does not disclose communicating such to owners.

Rosenblatt also does not disclose or suggest receiving any changes in said predetermined reservation criteria from owners of the private aircraft and communicating said changes to each of said independent passengers associated with the bids as required by claim 129. As explained above, Rosenblatt does not disclose the reservation criteria from the owners. Further, Rosenblatt does not disclose or suggest receiving any changes in said predetermined reservation criteria from owners of the private aircraft and communicating said changes to each of said independent passengers associated with the bids. The Office Action does not seem to even address this feature.

Rosenblatt also does not disclose or suggest accepting the selected reservation bids, communicating to each of the independent passengers associated with the selected bids a first notification of the acceptance, and communicating to an owner of the identified private aircraft a second notification of the acceptance. As explained above, Rosenblatt does not include reservation bids and does not disclose accepting such, or communicating the acceptance to the passenger or owner.

The Office Action further admits that Rosenblatt does not disclose transmitting to the owner of the identified private aircraft a passenger list corresponding to the selected reservation bids and a flight schedule that is substantially consistent with the departure time constraint, the departure location, and the specific destination request. As explained above, Rosenblatt does not include reservation bids and further does not disclose the departure time constraint, the departure location, and the specific destination request selected by the aircraft owner. Further, Rosenblatt does not disclose or suggest sending a passenger list corresponding to such selected reservation bids to the private aircraft owner.


For at least these reasons, it is submitted that Rosenblatt does not render obvious any of the pending claims. Withdrawal of the rejection is requested.

The Commissioner is hereby authorized to charge any fees associated with this filing to Kenyon & Kenyon deposit account no. 11-0600.

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any aspect of the application.

Respectfully submitted,

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David J. Zibelli
Reg. No. 36,394

KENYON & KENYON LLP
1500 K Street, NW
Washington, DC 20005
Phone: (202) 220-4200
Facsimile: (202) 220-4201